

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 242 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MULUBHAI PUNJABHAI

Versus

STATE OF GUJARAT

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Appearance:

BY COMPLAINT BOX for Petitioner  
MR UR BHATT ADDL.PUBLIC PROSECUTOR  
for Respondent No. 1  
NOTICE UNSERVED for Respondent No. 2, 3

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 02/04/98

ORAL JUDGEMENT

Rule. Service of Rule waived by the Mr.  
U.R.Bhatt, learned APP representing the otherside.

2. The petitioner prays for being released on Parole

as he wants to see his widowed daughter. It is his case that when his son died, he was released on Parole, but as his mother died, no one went to Jail for signing the surety bond. He, therefore, could not be released. Thereafter, his son-in-law also died, but there being no one in the family who could be the surety, he could not furnish the security on his behalf. He has thus lost his three members in the family namely son, son-in-law and the mother. Now, he wants to see his daughter who has recently become a widow. If he is released, he would be able to express his solance towards the members of the family and his daughter and may provide ardour. His conduct in the Jail is quite good and nothing adverse is reported.

3. In view of the fact, the application is required to be allowed. The same is accordingly allowed. The petitioner is ordered to be released on Parole for TEN days from the date of his release, on his executing personal bond of Rs.500/(Rupees: Five hundred only) or on his depositing Rs.500/- in cash with the jail authority and further on condition that he shall reside at Ivnagar in Junagadh Taluka and mark his presence before the Junagadh Taluka Police Station on every third day between 9-00 a.m. to 2-00 p.m. and shall surrender back to the Jail authority latest by 16-00 hrs on the last date of his tenth day's Parole.

4. It will be open to the Jail authority to impose other appropriate and necessary conditions not running counter to the above stated conditions or the provisions of law applicable.

5. In case the petitioner commits breach of any of the conditions of the Parole order or commits wrong, during the period of Parole, it would be open to the Jailor to forfeit the bond amount and impose any other penalty permissible in law. Rule accordingly made absolute.

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(ccs)